

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERNEST SPILLER,

Defendant.

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99-CR-30120-WDS

ORDER

STIEHL, District Judge:

Before the Court is defendant's pro se motion to stay disposition (Doc. 129) to which the government has filed a response (Doc. 131). In September of 2009, the Financial Litigation Unit of the United States Attorney's Office found unclaimed money in the name of Earnest Spiller being held with the Illinois State Treasurer's Office. There were two amounts being held, \$100.00 from Physician's Mutual Insurance Company and \$150.00 also from Physician's Mutual Insurance Company. Both were for "Individual Policy Benefits" from the years 1999 and 2001, respectively. The United States Attorney's Office sought to have the monies applied to the judgment entered against the defendant as part of his August, 2000 sentence of \$500.00 special assessment and \$1,000.00 fine.

The defendant seeks to have those funds exempted pursuant to 28 U.S.C. §3613 for wearing apparel and school books; unemployment benefits; and annuity and pension payments. As the government notes in its responses, the money was not from any of these sources. The money had been held by an Insurance Company which had attempted to contact the defendant for a number of years.

Upon review of the record, the Court **DENIES** defendant's motion for stay of disposition and **FINDS** that the money in question is appropriately to be applied to the defendant's judgment debt as a result of his 2000 sentence. Defendant's request for a hearing on this matter is **DENIED**.

IT IS SO ORDERED

DATE: 8 November, 2010

/s/ WILLIAM D. STIEHL
DISTRICT JUDGE